

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARSHALL E. BLOOMFIELD,

Petitioner,

-against-

DERMOT MACSHANE,

Respondent,

-and-

SERGEANT'S BENEVOLENT ASSOCIATION
ANNUITY FUND; THE CITY OF NEW YORK
POLICE PENSION FUND AND THE FUND
OFFICE OF LOCAL 580 OF ARCHITECTURAL
AND ORNAMENTAL IRON WORKERS,

Respondents.
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Civil Action No.:
07 Civ. 3934 (RJH)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed declaration of John Stackpole Groarke dated July 5, 2007, with supporting exhibits, and the accompanying memorandum of law, and pursuant to the Federal Rules of Civil Procedure and the Order of Honorable Richard J. Holwell, U.S.D.J. dated June 15, 2007, the Respondent, THE FUND OFFICE OF LOCAL 580 OF ARCHITECTURAL AND ORNAMENTAL IRON WORKERS, by its attorneys, Colleran, O'Hara & Mills L.L.P., will move this Court located at 500 Pearl Street, New York, New York on August 6, 2007 or as soon thereafter for an Order dismissing the Petitioner's Verified Petition pursuant to F.R.C.P. 12(b)(6) against Respondent, THE FUND OFFICE OF LOCAL 580 OF ARCHITECTURAL AND ORNAMENTAL IRON WORKERS, and for such other and further relief as the Court shall deem just and proper.

PLEASE TAKE FURTHER NOTICE that opposition papers, if any, must be filed on or before July 25, 2007 and reply papers shall be filed on or before August 3, 2007, pursuant to the Order of the Court dated June 25, 2007.

PLEASE TAKE FURTHER NOTICE that oral argument is **not** requested by Defendant.

Dated: Garden City New York
July 5, 2007



JOHN STACKPOLE GROARKE (JG 9031)
COLLERAN O'HARA & MILLS LLP
Attorney for Defendant, THE FUND OFFICE
OF LOCAL 580 OF ARCHITECTURAL AND
ORNAMENTAL IRON WORKERS
1225 Franklin Avenue, Suite 450
Garden City, New York 11530
(516) 248-5757

TO: Marshall E. Bloomfield, Esq.
349 East 149th Street
Bronx, New York 10451
(718) 665-5900

Anne Paxton, Esq.
O'Dwyer & Bernstein, L.L.P.
Attorney for SERGEANTS BENEVOLENT
ASSOCIATION ANNUITY FUND
52 Duane Street, 5th Floor
New York, New York 10007

Keith M. Snow, Esq.
Corporation Counsel of The City of New York
Attorney for CITY OF NEW YORK POLICE
PENSION FUND
100 Church Street, Room 5-141
New York, New York 10007
(212) 788-0581

Dermott MacShane
1030 Hollywood Avenue
Bronx, New York 10463